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gd/ssd

MAT 763 OF 2020
IA NO: CAN/1/2020

ALOKNATH SAMANTA
VS
UNION OF INDIA AND ORS.
(Through Video Conference)

Mr. Dipankar Pal,
Ms. Manasi Roy
..for the Appellant

Mr. Dayashankar Mishra
..for the Union of India

Mr. Bishwambhar Jha
..for the Respondents

This appeal is directed against the order of the learned Single Judge dated 4th of February, 2020 passed in WP 18576(W) of 2015.

The appellant had approached the writ court with the grievance that the respondent authorities were not making payment of the Kishan Vikash Patra Certificates. The case of the appellant before the writ court was that certain third parties had pledged the KVP certificates in favour of the appellant and the appellant had the entitlement to get them encashed, therefore, he had submitted the same before the respondent authorities to make the payment but the prayer was not accepted. In the earlier round of

litigation certain directions were issued in the matter and in pursuance thereto the respondent no.4/Superintendent of Post Office had passed the order dated 2nd of September, 2014 which was subject matter of challenge before the writ court.

Learned Single Judge has considered the respective plea of the parties and has reached to the conclusion that the order dated 2nd of September, 2014 contains adequate reasons to reject the petitioner's prayer for payment against the KVP certificates. It has been noted that the prayer was rejected by the respondent no.4 on account of the failure by the appellant to furnish the original KVP certificates lying with him.

A perusal of the order of the learned Single Judge reveals that after the order was pronounced, a prayer was made by the counsel for the appellant that he wishes to produce the original KVP certificates lying with him for examination before the concerned respondent authorities. Hence, accepting the said prayer, the learned Single Judge has further observed that if such a request is made to the concerned respondent no.4, then he will take appropriate steps to verify the authenticity and genuineness of the said KVP certificates by sending the same to the appropriate authority for examination and take further steps in

accordance with law.

Learned counsel for the appellant at this stage has submitted that the original KVP certificates are lying with him and he wants to produce the same before the respondent no.4.

The adequate directions in this regard have already been issued by the learned Single Judge in the impugned order.

Learned counsel for the respondent no.4 has also stated before this Court that if the appellant produces the original KVP certificates, then the respondent no.4 will duly examine the same and will do the needful.

Hence, at this stage, no further direction in this regard is required.

The appeal is disposed of by granting liberty to the appellant to produce the original KVP certificates before the respondent no.4 in accordance with the order of the learned Single Judge. If the appellant produces the original KVP certificates, then the respondent no.4 will do the needful in accordance with the directions already issued by the order of the learned Single Judge as expeditiously as possible preferably within a period of three months from the date of producing the original KVP certificates along with the requisite application form. If the KVP certificates are found to be in order, then the appropriate decision will be taken by the

respondent no.4 without any delay in accordance with law.

Appeal is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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